



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 19, 2004, 8:00 p.m.**

MEETING

The Special Joint City Council/Redevelopment Agency Meeting was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Ward.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Quirk Halliday, Ward, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: COUNCIL/RA MEMBERS None

PUBLIC COMMENTS

Tom Blalock, BART Director, spoke in support of Alameda County Measure AA that will raise \$980 million to seismically retrofit the system and urged the Council to endorse the measure on the November ballot.

Jason Moreno spoke on campaign finance reform and suggested a regulation to enforce campaign sign thefts.

Mayor Cooper confirmed with City Attorney O'Toole that stealing campaign signs is a misdemeanor.

Francisco Abrantes showed some photos of pipes and fencing and commented on the quality of an inspection that was he stated was recently done by a city inspector.

Henry Villalobos, representing Aztecs of North America, thanked the Mayor and Council for their positive efforts towards the downtown revitalization.

Roy Watkins stated that he has lived on Nevada Road for over fifty years and reported a house around the corner that is in dire need of community preservation.

Mayor Cooper asked him to provide the address to staff.

John Gilbertson commented about a signal light that was installed in his neighborhood. He stated that he waited 35 years for this signal. He demanded that Council provide a city regulation that can address his question relating to the duties of the city manager. In response, Mayor Cooper offered to send him a City Charter.

Jerry Caveglia spoke in support of Mayor Cooper, Council, and the administrative leadership. He commented on their accomplishments including the new direction for the downtown, the modern transit village, and adherence to the goals of a sustainable smart growth community. He spoke favorably about the openness, courage, sincerity, and commitment of Mayor Cooper and appreciated her past performance.

Barbara Heringer-Swarr spoke on social funding, salaries, smart growth and redevelopment.

CONSENT

Consent Item # 6 was removed for further discussion.

1. Adoption of an Ordinance Rezoning Properties Mt. Eden Area Related to Annexation

Staff report submitted by City Clerk Reyes, dated October 19, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Ordinance 04-14, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Considered in Connection with Zone Change Application PL-2004-0313 Relating to the Mt. Eden Annexation Area"

2. Adoption of an Ordinance Amending Zoning Ordinance regarding Changes to Light Manufacturing, Planning/Research and Development District Provisions Related to Mt. Eden Annexation

Staff report submitted by City Clerk Reyes, dated October 19, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Ordinance 04-15, "An Ordinance Amending Section 10-1.1800 of Article 1 of Chapter 10 of the Hayward Municipal Code"

3. Adoption of an Ordinance Amending the Municipal Code Relating to Public Sewer Connections in the Mt. Eden Annexation Area

Staff report submitted by City Clerk Reyes, dated October 19, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Ordinance 04-16, "An Ordinance Amending Section 11-3.201, Article 3, Chapter 11 of the Hayward Municipal Code Relating to Public Sewer Connections in the Mt. Eden Annexation Area"

4. Approval of Equipment Lease Financing

Staff report submitted by Acting Finance Director Lewis, dated October 19, 2004, was filed.



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It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 04-152, "Resolution Authorizing Execution of Equipment Lease/Purchase Agreement and Other Documents Necessary to Procure Equipment Lease Financing From Lasalle National Lease Corporation"

5. Approval of Adjustments to the Employer Medical Contribution Rate for Employees and Certain Retirees of the Hayward Police Officers Association

Staff report submitted by Employee Benefits Administrator, Baldinelli, dated October 19, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution, 04-153, "Resolution Adjusting Employer Contribution for Subject Members of the Hayward Police Officers' Association Covered Under the Public Employees' Medical and Hospital Care Act"

6. Authorization to Execute Agreements for Professional Services to Prepare the South Hayward BART/ Mission Boulevard Concept Plan

Staff report submitted by Senior Planner Calame, dated October 19, 2004, was filed.

Council Member Halliday reiterated that this authorizes funding for a consultant to create a concept plan for the South Hayward BART area that will involve many community meetings. She wanted to insure that the community is aware of these meetings and if anyone wished to be on the mailing list, they could contact the City Manager's Office.

Council Member Dowling thought that this is an exciting project and there is a lot of empty land, and he hoped the study would encourage more retail businesses in that area. He expressed concern that the first meeting in December may not be a good date as it is the start of the holidays.

At Council request, City Manager Armas described the area that will be studied and the proposed process that will include the South Hayward BART station. He stated that the proposed consulting firm has experience in this type of work, in particular with public transit, which will benefit the final outcome.

Council Member Henson agreed with his colleagues, but hoped that staff would take an opportunity to meet with the BART Board of Directors to ask that both Hayward BART stations be improved.

Mimi Bauer expressed her concern that this might be wasted money and effort because of the large quarry that will continue to operate in this area.

City Manager Armas noted that this conceptual plan is for a long term plan.

It was moved by Council/RA Member Ward, seconded by Council R/A Member Halliday, and carried unanimously, to adopt the following:

RA Resolution 04-14, "Resolution Authorizing the Executive Director to Execute Agreements Between the Redevelopment Agency and Community Design + Architecture and Strategic Economics to Prepare a Conceptual Design Plan for the South Hayward Bart Station/Mission Boulevard Area"

7. Authorization for Acquisition of Portions of 1025-1027 A Street and 1077 A Street for Expansion of Municipal Parking Lot Two

Staff report submitted by Redevelopment Director Bartlett, dated October 19, 2004, was filed.

It was moved by Council/RA Member Ward, seconded by Council/RA Member Henson, and carried unanimously, to adopt the following:

RA Resolution 04-12, "Resolution Authorizing the Acquisition of Portions of 1025-1027 A Street and 1077 A Street for Expansion of Municipal Parking Lot Two"

RA Resolution 04-13, "Resolution Amending Resolution RA-04-07 As Amended, the Redevelopment Agency Budget Resolution for Fiscal Year 2004-05, Relating to an Appropriation of Funds from the Redevelopment Agency Bond Fund, Fund 454, to the Expansion of Municipal Parking Lot Two Project"

LEGISLATIVE BUSINESS

8. Consideration of Interim Moratorium on Mobilehome Park Conversion

Staff report submitted by Deputy City Attorney Cambra, dated October 19, 2004, was filed.

City Attorney O'Toole reported that the recommendation is to establish a 45-day moratorium to provide staff opportunity to study and draft an ordinance that will deal with potential closures or re-use of mobile home parks. As this is an urgency ordinance, six votes are necessary for it to take effect. He introduced Deputy City Attorney Cambra, who made the presentation. He noted that the proposed ordinance will augment a State procedure to close a mobile home park, require an impact report and establish mitigation steps. He referred to other ordinances adopted by cities that include closure procedures and provide other services including relocation assistance programs. He reported that park closure is proposed by the owner of Continental Mobile Home Park and without such an ordinance



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mobile home residents are threatened by the closure.

Council Member Dowling asked about the closure procedures by the State and commented that the letter sent by the owner to the mobile homeowners was outrageous.

Council Member Henson agreed and asked what would happen if the new ordinance is not ready by the end of the moratorium.

Deputy City Attorney Cambra responded that his office has sample mobile park closure ordinances that have been adopted by nine other cities that staff will review to develop an ordinance pertinent for Hayward. Statutes provide the ability to extend the moratorium if necessary. He responded to questions from Council stating that there is no other place for residents from the park to meet. He discussed the local permit process for a change in use as compared to the current State procedures. He discussed the types of impacts that could be included in the report, such as individual economic impacts and whether there is another park to relocate.

Council Member Ward asked what type of noticing had been done and if an additional notice will follow this action. Deputy City Attorney Cambra stated that the President of the mobile homeowners at Continental Park noticed all of the residents in the park, and he was present and available.

Council Member Jimenez agreed with his colleagues and asked why this park owner was taking this course of action. Deputy City Attorney Cambra responded that the owner disclosed that he is not getting a significant return on his investment.

Mayor/Chair Cooper opened the public hearing at 8:58 p.m.

Robert Billmire spoke on behalf of the mobile homeowners. He described the events that occurred to arrive to this point. He noted that many of the mobile homes are older and cannot be moved without being damaged. He also commented favorably on the ordinance developed by the City of San Leandro.

Jason Moreno asked if the new park owner has been made aware of the City's current ordinance.

Mayor/Chair Cooper closed the public hearing at 9:03 p.m.

It was moved by Council Member Dowling, seconded by Council Member Halliday, and unanimously carried to introduce and adopt the following:

Ordinance 04-17, "An Emergency Ordinance Adopting a 45-Day
Moratorium on the Closure of a Mobilehome Park"

9. City Position Regarding Possible Name Change for California State University, Hayward

Staff report submitted by City Manager, dated October 19, 2004, was filed.

Mayor Cooper read a resolution for consideration by the Council on its position to maintain the current name of California State University, Hayward. She stated that she would be seeking support in not approving the name change.

Mayor Cooper opened the public hearing at 9:11 p.m.

Mary Lavelle, a graduate of CSUH, spoke in support of the resolution and commented that students were not included in this proposal.

Mayor Cooper closed the public hearing at 9:13 p.m.

Council Member Dowling thanked City Manager Armas and Mayor Cooper for their efforts in placing this on the agenda. He noted that 19% of the students are Hayward residents.

Council Member Quirk stated that he did not believe that this agency should be involved in another agency's issues.

Mayor Cooper addressed this by stating that it is not uncommon for agencies to be involved in one another's actions.

It was moved by Council Member Jimenez, seconded by Council Member Dowling, and carried to adopt a resolution by the following roll call vote:

Resolution, 04-154, "A Resolution of the Hayward City Council Opposing any Change in Name for the Institution Known as California State University Hayward"

AYES: Council/RA Members Jimenez, Halliday, Ward,
Dowling, Henson
MAYOR/Chair Cooper

NOES: None

ABSENT: None

ABSTAINED: Council/RA Member Quirk

10. Request to ask Alameda County to Defer Action on La Vista Quarry Permit Extension Pending Outcome of Annexation Application

Staff report submitted by City Manager, dated October 19, 2004, was filed.

City Manager Armas stated that this is on the agenda at the request of Council Member Dowling.

Council Member Dowling thanked staff for placing this on the agenda. He stated that his intention is to ask the Board of Supervisors to delay or deny without prejudice the quarry permit until the City's annexation process is complete. He explained that this area will be part of the study and it would be a



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detrimental impact if the permit is extended. He felt that the permit extension should be dealt with locally and not in Oakland. He read the letter that he proposed be submitted to the Alameda County Board of Supervisors.

Mayor Cooper indicated that Council has received correspondence that did not favor the permit operation extension from Richard C. Ersted, the Twin Bridges Homeowners Association and from Al and Kendra Mendall.

Mayor Cooper opened the public hearing at 9:25 p.m.

Bob McCarrick, representing the operator of the quarry, Dumbarton Associates, stated that he is available to respond to questions and assured the Council that the quarry operator will continue to work cooperatively with staff.

Mimi Bauer spoke in favor of the letter and noted that the Fairway Park Neighborhood Association is in agreement with the contents of the letter that will be submitted and urged the Council to endorse this letter. She emphasized how this is Council's opportunity to vote for self-determination.

Mayor Cooper closed the public hearing at 9:27 p.m.

Council Member Dowling moved, seconded by Council Member Halliday, to approve the draft letter, with a slight correction that will be sent to the Alameda County Board of Supervisors to ask the County to allow the Hayward City Council to exercise local control over an area that will affect thousands of City residents and businesses for two decades.

Council Member Henson stated that, as he lives in the area, he has also expressed similar concerns. He was concerned with the timing and noted that there is no guarantee that the same timeline will occur. He asked how this would work.

City Manager Armas responded that there are some unknowns. There are still agreements that need to be confirmed as the one with Alameda County sharing the property tax and sales tax revenue. The LAFCO hearing on the annexation is another unknown outcome at this time. The County will need to apply any required permit streamlining concerns that might apply. He thought that the timing seemed to be short and that the LAFCO hearing could be scheduled in January.

Council Member Henson preferred to see the home owners associations contact Alameda County rather than the Council. He did not feel that this letter would have the kind of impact that this is anticipated.

Council Member Dowling responded that there is nothing urgent on the permit extension, as the quarry has another four years on its current permit. He emphasized that Alameda County has until September 2005 to approve this permit (18 months after the application was filed). He was appalled by the fast pace that the County is taking as compared to its normal scheduling of permit processing and strongly expressed his concerns and hoped that citizens get a fair hearing. He reported that Alameda County

Supervisor Steele is attempting to arrange a meeting in this area so that property owners do not have to go to Oakland to plead their concerns.

Council Member Halliday emphasized the tenet of local control and commended Ms. Bauer on representing the neighborhood. She felt strongly towards citizen input. She noted that only one member of the five county supervisors really answers to the citizens, who are directly impacted by this issue. This is the more appropriate legislative body to deal with this issue and agreed with the content of the letter.

It was moved by Council Member Dowling, seconded by Council Member Halliday, and failed by the following roll call vote to submit a letter requesting that the Alameda County Board of Supervisors delay the extension of the permit and to allow the Hayward City Council to exercise local control through the annexation process:

AYES: Council Members Halliday, Dowling,
MAYOR Cooper
NOES: Council Member Jimenez, Ward, Henson
ABSENT: None
ABSTAINED: Council Member Quirk

11. Resolutions Supporting Measure AA Related to BART and Measure BB Related to AC Transit

Staff report submitted by City Manager Armas, dated October 19, 2004, was filed.

Mayor Cooper described the measures. Measure AA is a \$980 million general obligation bond measure that will fund BART's seismic retrofit program to strengthen the system against earthquakes. If approved, this measure will impose a property tax assessment of \$7.04 per \$100,000 of assessed value.

Measure BB must be approved by two-thirds vote and if approved will authorize the Alameda-Contra Costa Transit District to levy a special tax in the amount of \$48 per year per parcel for ten years. The tax would become effective on July 1, 2005 and would terminate on June 30, 2015. The proceeds could only be used to fund the operation and maintenance of bus service within the District.

As there were no requests to speak, Mayor Cooper opened and closed the public hearing at 9:36 p.m.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt:

Resolution, 04-155, "Resolution of the City Council of the City of Hayward in Support of Measure AA"

Resolution, 04-156, "Resolution of the City Council of the City of Hayward in Support of Measure BB"

COUNCIL REPORTS



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Mayor Cooper announced that the Annual Recognition and Awards Dinner will occur on October 28. She announced that Bud Critzer, retired Hayward Area Recreation and Park District General Manager, will receive the Mayor's Award. She extended a special invitation to friends and admirers of Mr. Critzer to attend the Volunteer Dinner as he receives this award. She also noted that Reverend Lee Williamson will be receiving the Lifetime Achievement Award. She added that there are other prestigious city awards that will be presented to volunteers including the John N. Pappas Humanitarian Award.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:38 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency